

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND
Resolution No. 2011- 53


WHEREAS, the County Commissioners of Charles County, Maryland are pursuing a Grant Agreement with the Maryland Clean Energy Center to install a 20 kilowatt wind energy generating system at the Crain Memorial Welcome Center;


WHEREAS, on March 8, 2011 in open session the Commissioners were briefed on the Grant Application and in support of that Application a motion was made by Commissioner Robinson, seconded by Commissioner Collins and passed with Commissioners Kelly, Robinson, Collins and Rucci voting in favor to approve the reservation of \$35,000.00 from the County's General Fund Contingency line item in the event the grant is awarded; and

NOW THEREFORE, BE IT RESOLVED this ___ day of June, 2011, that the County Commissioners of Charles County, Maryland, hereby authorize the President of the County Commissioners to execute a Grant Agreement with the Maryland Clean Energy Center to install a 20 kilowatt wind energy generating system at the Crain Memorial Welcome Center.


County Commissioners of
Charles County, Maryland


Candice Quinn Kelly, President



Reuben B. Collins, II, Vice President


Debra M. Davis, Esq.


Ken Robinson


Bobby Rucci

ATTEST:


Denise Ferguson, Clerk

Regular Meeting of County Commissioners

Tuesday, March 8, 2011 (1 of 6)

The regularly scheduled meeting of the County Commissioners was convened at 9:01a.m. with the following persons in attendance:

Candice Quinn Kelly, President, County Commissioners
Reuben B. Collins, II, Esq., Vice President, County Commissioners
Ken Robinson, County Commissioner
Debra M. Davis, Esq., County Commissioner
Bobby Rucci, County Commissioner
Roy Hancock, Assistant to the County Administrator
Roger Fink, County Attorney
Denise M. Ferguson, Clerk to the Commissioners

Open session began with the pledge of allegiance lead by Commissioner Davis.

County Business

Proclamation Number 2011-09: Multiple Sclerosis Awareness Week

The Commissioners proclaimed March 14-20, 2011 as National Multiple Sclerosis Society in Charles County with the issuance of Proclamation Number 2011-09.

Announcement

Commissioner Kelly thanked those who attended the March 2, 2011 Nanjemoy Community Forum. She announced that the Commissioners would conduct their monthly public forum on Wednesday, March 30, 2011 at 5:30 p.m. and that there would be other upcoming community forums. Commissioner Kelly also recommended that the Commissioners provide Senator Middleton and the Charles County Delegation with a copy of the DVD from the Nanjemoy Community Forum so they could view the comments provided related to the Department of Juvenile Justice's facility proposed for Nanjemoy.

Fiscal Year 2011 Budget Transfer Request, \$35,000, Maryland Clean Energy Center

Mr. Roy Hancock, Assistant to the County Administrator, provided the Commissioners with an overview of a grant to install an up to 20-kilowatt wind turbine to produce sustainable electrical power to the Crain Memorial Welcome Center on Route 301 in Newburg, Maryland. The wind turbine would be one component of a possible future Renewable Energy Education Center at the Welcome Center. Mr. Hancock requested the Commissioners approval to reserve \$35,000 of County funds (General Fund Contingency line item) for the County match portion of the grant in the event the grant is indeed awarded.

A motion was made by Commissioner Robinson, seconded by Commissioner Collins, and passed with Commissioners Kelly, Robinson, Collins and Rucci voting in favor to approve the reservation of \$35,000 from the County's General Fund Contingency line item in the event the grant is awarded.

The Commissioners discussed the proposed location for the turbine and the need for more information related to wind turbines. Mr. David Eicholtz, Chief of Budget, clarified that the funds would be from the Capital Projects Fund. The Commissioners collectively agreed to schedule a wind turbine briefing on an upcoming agenda.

Approval of Minutes of February 22-23, 2011

A motion was made by Commissioner Robinson, seconded by Commissioner Rucci, and passed with all Commissioners present voting in favor to approve the Minutes of February 22-23, 2011, as presented.

(v) Approval of the Request for Disbursement and attached invoices or proof of payments by the Maryland Energy Administration.

(vi) Receipt by MCEC of all of the items set forth on the Closing Checklist attached hereto as Exhibit B, in form and substance acceptable to MCEC.

(d) The Recipient's right to request funds under this Agreement shall terminate the Completion Date.

(e) Availability of Funds. Disbursement of Grant proceeds are subject to the continuing availability of funds for such purpose, compliance with all applicable Laws, and approval of the Grant and the Project by the Maryland Energy Administration and the U.S. Department of Energy.

(f) Upon disbursement, the Recipient shall be deemed to have issued each of the representations and warranties contained in Section 3.01 of this Agreement.

ARTICLE III **REPRESENTATIONS, WARRANTIES,** **AND COVENANTS OF THE RECIPIENT**

Section 3.01. Representations and Warranties.

The Recipient represents and warrants as follows:

(a) Organization. The Recipient is a validly existing political subdivision under the laws of the State and has the full legal capability to comply with this Agreement.

(b) Resolution. A resolution has been duly adopted as an official act of the Recipient's governing body, authorizing the execution and delivery of this Agreement by the Recipient, and authorizing and directing the person executing this Agreement to do so on behalf of the Recipient.

(c) Due Authorization. The Recipient has the full power and authority to enter into this Agreement and consummate the transaction contemplated by this Agreement, to accept the Grant as contemplated hereby, to execute and deliver this Agreement, to carry out the Project, and to comply with the terms set forth in this Agreement, all of which have been duly authorized by all necessary action of the Recipient. No approval of any other person or public authority or regulatory body is required as a condition to the validity of this Agreement, or, if required, the approval has been obtained.

(d) Validity of Agreement. This Agreement has been properly executed by the Recipient and will: (i) Not violate any Laws, or any provision of the Recipient's charter; (ii) Not violate any provision, or result in a breach, of any document or agreement binding on the Recipient or affecting its property; and (iii) Constitutes the valid and legally binding obligation of the Recipient, fully enforceable against the Recipient, in accordance with their terms.

(e) Legal Actions. There is no Claim pending or threatened or investigation that: (i) Questions the validity or enforceability of this Agreement, or any action taken, or to be taken, under it; (ii) Is likely to materially impair the Recipient's ability to perform any of its obligations under this Agreement; or (iii) Affects the Project.

(f) Accuracy of Statements. All information contained in any document given by the Recipient in connection with the Grant is true and accurate in all respects, and the Recipient has not omitted to state any material fact or any fact necessary to make the information not misleading.